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10 Attorneys for Plaintiff  
11 Nutrishare, Inc.

12  
13 UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 Nutrishare, Inc., a California corporation,

16 Case No. 2:08-CV-01252-WBS-EFB

17 **PROOF OF SERVICE**  
18

19 Plaintiff,

20 v.

21 BioRx, LLC, an Ohio Limited Liability  
22 Company,

23 Defendant.

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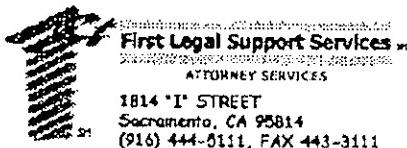
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<i>Attorney or Party without Attorney:</i> MICHAEL J. THOMAS, SBN 172326 DOWNEY BRAND, LLP 555 CAPITOL MALL, 10TH FLOOR SACRAMENTO, CA 95814 Telephone No: 916-444-1000      FAX No: 916-444-2100		<i>For Court Use Only</i>		
<i>Attorney for Plaintiff:</i>		<i>Ref. No. or File No.:</i>		
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Eastern District Of California				
<i>Plaintiff:</i> NUTRISHARE, INC. <i>Defendant:</i> BIORX, LLC				
<b>PROOF OF SERVICE</b>	<i>Hearing Date:</i> Mon, Aug. 04, 2008	<i>Time:</i> 2:00PM	<i>Dept/Div:</i> 5	<i>Case Number:</i> 2:08-CV-01252-WBS-EFB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the (PROPOSED) ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION; NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF MICHAEL J. THOMAS IN SUPPORT OF MOTION; DECLARATION OF ANITA WALLIN IN SUPPORT OF MOTION; DECLARATION OF REID A. NISHIKAWA IN SUPPORT OF MOTION; DECLARATION OF RODNEY OKAMOTO IN SUPPORT OF MOTION

3. a. *Party served:* BIORX, LLC, an OHIO LIMITED LIABILITY COMPANY  
b. *Person served:* party in item 3.a., BY SERVING CHERYL CLARK, HR MANAGER AND DESIGNATED AGENT
4. *Address where the party was served:* 10828 KENWOOD ROAD  
CINCINNATI, OH 45242
5. *I served the party:*
  - a. *by personal service.* I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Thu., Jun. 26, 2008 (2) at: 1:00PM
7. *Person Who Served Papers:*
  - a. CHRIS TONNIS
  - b. *Recoverable Cost Per CCP 1033.5(a)(4)(H)*
  - c. *The Fee for Service was:*
  - d. *I am: Not a Registered California Process Server*
  - e. I am: Not a Registered California Process Server



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Thu, Jun. 26, 2008